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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSEPH DOWNEY WADE,

Plaintiff,

v.

STATE OF OREGON, UNIVERSITY OF
OREGON and JOHN MOSELEY, in his
official and individual capacities,

Defendants.

Case No. 01-6178-HO

ORDER

THIS MATTER having come before the Honorable Thomas M. Coffin during settlement conferences attended by the Plaintiff, Joseph D. Wade and his counsel Suzanne B. Chanti and Defendants appearing through their designated representatives Kent Rice and Melinda Grier, and through its counsel, William C. Tharp, Assistant Attorney General and the parties entering into a Mutual Release and Settlement Agreement;

FURTHER, the Court hereby retains jurisdiction over this settlement, per the Settlement Agreement, and is available to the parties to resolve any future disputes between the parties

hereto, including the making of additional Orders to assure that the parties fully comply with the Mutual Release and Settlement Agreement; and

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1) The University of Oregon will pay to Plaintiff's attorney Walters Romm Chanti & Dickens the amount of \$10,000.00;

2) The University of Oregon is hereby ordered to advise the Oregon Public Employee Retirement System (PERS) of this settlement with Plaintiff Joseph Wade and to make an adjustment to the Plaintiff's PERS account, resulting in an invoice being sent to the Oregon University System (OUS), No. 1033 (in the exact amount of \$98,500.00).

a) The employer, the University of Oregon, will pay said \$98,500.00 upon receipt of the invoice, and such will be paid forthwith immediately;

b) The adjustment, additional retirement salary of \$114,537.16 to be applied to each of the following calendar years: 1997, 1998, 1999, 2000, and 2001;

c) The monthly PERS benefit payable to Joseph Wade will be increased on July 1, 2003, and retroactive benefits will be paid to Joseph Wade from his effective date of retirement, August 1, 2001, through June 1, 2003. This will result in an adjustment in benefits from the date of retirement of \$7,169.68 to \$7,944.20. The monthly benefits will be changed on July 1, 2003 to include the 2002 cost-of-living increase; and

d) The member account is to be adjusted and the invoices are to be produced and sent to the employer upon execution of this Order. The employer will be notified by letter that the normal collection activities apply;

3) The Plaintiff is precluded from filing in State Court any complaint or claim for relief which is in any way associated or related to the facts and issues identified in the claim hereby dismissed or in any way arises from Joseph Wade's employment with the University of Oregon; and

4) This case is dismissed with prejudice and without costs to either party.

DATED this 27 day of June, 2002.



Judge Thomas M. Coffin